

Serial No 09/887,414

FA 0952 US NA

REMARKS

At the outset, applicants' attorney Deshmukh takes this opportunity to sincerely thank Examiner Van Doren for conducting a short telephone interview on May 15, 2006 that clarified issues related to the restriction requirement and new matter concern.

Applicants had acknowledged and confirmed the restriction and election of claims 1-10, 34-37 and 46-48 in the responses mailed on February 9th and January 9th, 2006. The election was made without traverse. As a result, non-elected claims had been withdrawn from this application without prejudice of any sort to continue prosecution of that subject matter in this or any other application claiming priority herefrom.

The current Office Action issued a new restriction requirement noting that:

Species I claims 5, 34-37 and 49 are directed to Paint Optimizer Tool;
Species II claims 50-58 are directed performing process audits; and
Species III claim 46-48 are directed to generating and furnishing surveys.

Applicants hereby acknowledge and confirm the election of species I directed the Paint Department Optimizer in claims 5, 34-37 and 49. The election is made without traverse. It should be noted that claims 1-4 and 6-10 are generic to the elected species I directed the Paint Department Optimizer and 5, 34-37 and 49 are explicitly directed to the elected species.

The Applicants, therefore, agree to the withdrawal pursuant to 37 C.F.R. §1.142(b) of claims 11-33, 38-48 and 50-58 that do not read upon the elected species, subject to rejoinder upon allowance of one or more of the generic claims (M.P.E.P. 809.02(c)).

The Office Action further noted that the amendment to step (f) of claim 1 does not appear to have support. It is respectfully submitted that said amendment is fully supported in view of the following remarks:

Step (f) of claim 1 was amended to recite "providing a business solution based on said business analysis to said customer computer to identify process problems and poor financial performance of said customer". Support can be found on page 8, lines 1-13 and page 5, lines 11-13 of the

Serial No 09/887,414

FA 0952 US NA

specification. The following are the paragraphs from the specification, the highlighted portions of which support said amendment:

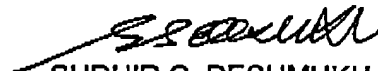
As shown in Figure 3B, menu 129 contains offerings of various tools that can assist the customer in improving customer's business. The tools shown in menu 129 are by no means exhaustive. The present invention also contemplates other tools or additional tools that improve customer's business. As shown in Figure 3C, customer computer 2 is invited through a step 132 to select a tool from menu 129. Host computer 4 through a step 134 then directs customer computer 2 to the selected tool, such as, for example, a capacity planner tool 1302. By way of example, Figure 6A shows a screen shot of capacity planner tool 1302 and provides instructions for using the chosen business tool. A step 135 permits customer computer 2 to print the instructions if so desired. A query 136 directs customer computer 2 to confirm the selection of the tool, choose another tool through a step 137, or exit from the program (page 8, lines 1-13 of the specification).

The process improves the business performance by identifying process problems, such as process bottlenecks, poor business practices, and poor financial performance. (page 5, lines 11-13 of the specification).

From the foregoing language in the specification, it is clear that amendment to step (f) in claim 1 is fully supported.

Should the Examiner wish to discuss any issues involved in this application, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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